

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-28 and 52-61 are currently pending. Claims 1, 4, 6-18, 20-28, and 58-61 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-28 and 52-61 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement regarding storing only the new content; and Claims 1-28 and 52-61 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,990,927 to Hendricks et al. (hereinafter the “927 patent”) in view of U.S. Patent 5,649,283 to Galler et al. (hereinafter “the ‘283 patent”).

Applicant wishes to thank the Examiner for the interview granted Applicant’s representative on May 8, 2008, at which time the outstanding rejection of the claims was discussed. In particular, the limitation of storing only the new content in the second storage means recited in Claim 1 was discussed. However, no agreement was reached pending the Examiner’s further consideration of the claims upon formal submission of a response to the outstanding Office Action.

Amended Claim 60 is directed to a data sending receiving system having a sending apparatus and receiving apparatus, the data sending receiving system comprising: (1) a first memory configured to store data including a plurality of content; (2) a first interface configured to send and receive data; (3) a retrieval unit configured to retrieve the data stored in the first memory; (4) a first controller configured to control the first interface to receive request information for content from the receiving apparatus, wherein the retrieval unit is configured to retrieve the data stored in the first memory based on the request information,

and the first interface is configured to send the data retrieved by the retrieval unit; (5) a second interface configured to send information and to receive data; (6) a second memory configured to store data; and (7) a second controller configured (a) to control the second interface to send the request information to the sending apparatus based on user input and to receive the data retrieved by the retrieval unit, (b) to check whether the received data sent from the sending apparatus includes new content not previously received by the receiving apparatus, and (c) to add only the new content included in the received data to the second memory automatically based on the results of the checking. Further, Claim 60 clarifies that the first interface and the second interface are connected to an electronic communication network. The changes to Claim 60 are supported by the originally filed specification and do not add new matter.¹

Regarding the rejection of Claim 60 under 35 U.S.C. §103(a), the Office Action asserts that the '927 patent discloses everything in Claim 60 with the exception of "...verifying that data is new content,"² and relies on the '283 patent to remedy that deficiency.

The '927 patent is directed to a set-top terminal for cable television delivery systems. As shown in Figure 1, the '927 patent discloses a network controller 214, an operations center 202, uplink sites 204, and a set-top terminal 220 operated by a remote 900. Further, the '927 patent discloses that the set-top terminal supports menu generation, picture-on-picture displays, program catalog services, interactive services, telephone caller identification, visual audio reception, VCR control, HDTV reception, and satellite system interoperability. Further, the '927 patent discloses that menu information and telephone numbers are stored at in the set-top box 220 for display and/or interface with the customer for ordering pay-per-view programs, for example.

¹ See page 31, lines 9-11.

² See page 4 of the outstanding Office Action.

However, as admitted in the Office Action, the '927 patent fails to disclose verifying that data is new content. In particular, Applicant respectfully submits that the '927 patent fails to disclose a second controller configured (1) to control the second interface to send the request information to the sending apparatus based on user input and to receive the data received by the retrieval unit, (2) to check whether the received data sent from the sending apparatus includes new content not previously received by the receiving apparatus, and (3) to add only the new content included in the received data to the second memory automatically based on the results of the checking, as recited in amended Claim 60. Applicant respectfully submits that the '927 patent fails to disclose a control means that performs any type of checking on received data, as required by Claim 60.

The '283 patent is directed to a method to verify that a cable television consumer is receiving and displaying a correct program on the television set. The '283 patent discloses that the '283 invention is important in the context of pay-per-view events because the consumer has paid for the program and it is important that the consumer is receiving the program. As shown in Figure 3, the '283 patent discloses that if the user orders a particular program, the system transmits a "initial video content of the program" to the user so that when the program starts, the controller at the consumer's set-top box can use a frame-grabber circuit to grab an initial portion of the broadcast program and to analyze the stored portion with respect to the initial video content. Further, the '283 patent discloses that if the stored portion is not the same as the initial video content, the controller of the set-top terminal transmits an error message to the system computer. Further, the '283 patent discloses a variation of this idea in that the program can be periodically sampled and compared to stored, expected video content at any time during the presentation of the program. In particular, as noted in the outstanding Office Action, column 2, lines 4-6 of the '283 patent is part of a discussion of the summary of the invention of the '283 patent and discloses that the system

computer transmits to the controller in the set-top box “new” video content defining what the controller should have received at a particular time. The ‘283 patent discloses that if the “new” video content, which is in the form of a captured frame, is not the same as the stored frame (i.e., the frame that was captured at a particular time), the controller once again transmits an error message to the system computer. Thus, in all cases, the ‘283 patent discloses that if the received content that a set-top box is receiving is not the same as a stored portion previously sent to the set-top box to be compared to the received content, an error message is sent back to the system computer.

Further, Applicant respectfully submits that the ‘283 patent’s use of the phrase “new video content” is merely content defining what the controller should have received at the designated time, as defined in column 2, lines 2-4 of the ‘283 patent. When this video content is sent, it is not necessarily new in the sense of not previously being received until the verification controller compares it to the stored frame. At that point, if the “new” video content and the stored frame are different, which would indicate that the viewer is receiving the wrong program and never received the video content that it should have received, the system sends an error message. The ‘283 system does not, contrary to the requirements of Claim 60, add only the new content included in the received data to the second memory automatically based on the results of the checking, as recited in Claim 60. Rather, the ‘283 patent merely displays a text message on the television set indicating to the consumer that the consumer has the set-top box mistuned.³

Further, Applicant notes that, regarding the storage of information received, the ‘283 patent discloses that all information received is stored. The ‘283 patent does not disclose the selective storing of only new content, but discloses that all received information is stored.

³ See ‘283 patent, column 2, lines 9-11.

Thus, Applicant respectfully submits that the '283 patent fails to disclose a second controller configured to add only the new content included in the received data to the second memory automatically based on the results of the checking, wherein the new content is the new content not previously received by the receiving apparatus, as recited in Claim 60.

Rather, as discussed above, the '283 patent merely discloses that if a user is not receiving the appropriate content, an error message is sent by the set-top box back to the system computer. Applicant respectfully submits that this is very different from the claimed invention in which only new content data included in the received data is added to the second memory automatically based on the results of the checking, as recited in amended Claim 60.

Thus, no matter how the teachings of the '927 and '283 patents are combined, the combination does not teach or suggest the second controller recited in Claim 1, which adds only the new content included in the received data to the second memory automatically based on the results of the checking. In particular, Applicant respectfully submits that the '927 patent fails to remedy the deficiencies of the '283 patent regarding adding only new content. The '927 patent does not disclose any type of selective storage of received data, but rather discloses that all received data is stored. Accordingly, Applicant respectfully submits that the rejection of Claim 60 (and all associated dependent claims) is rendered moot by the present amendment to Claim 60.

Independent Claims 1, 18, and 61 are apparatus or system claims that recite limitations analogous to those recited in Claim 60. Moreover, Claims 58 and 59 are method claims that recite controlling the storing step to add only the new content included in the received data to a memory automatically when results of the step of checking verify that the data sent in the step of sending is data corresponding to the new content. As discussed above, this limitation is not taught by any proper combination of the '927 and '283 patents.

Accordingly, Applicant respectfully submits that the rejections of Claims 1, 18, 58, 59, and 61 are rendered moot by the present amendment to those claims.

Further, Applicant respectfully submits that the Office Action has failed to specifically address many of the dependent claims recited in the present application. Applicant respectfully requests, that in any future Office Action, all of the dependent claims be specifically addressed by claim number. In particular, Applicant notes that Claim 9 recites that the first interface sends to the second interface data newly stored in the first interface with a data quality lower than a data quality in sending other data stored in the first memory when the data specifying the intention of the user to make payments for the request information from the user sent from the second interface indicates that the user is not willing to make the payments. Applicant respectfully submits that this limitation has not been addressed and that none of the cited references disclose data having different quality being sent based upon whether the user is willing to make payments or not.

Thus, it is respectfully submitted that independent Claims 1, 18, and 58-61 (and all associated dependent claims) patentably define over any proper combination of the '927 and '283 patents.

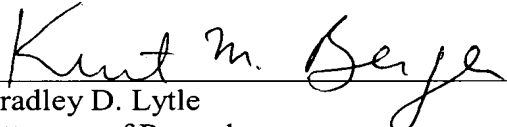
Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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